REMARKS

In the Final Office Action, the Examiner rejected claims 3 and 7 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter; rejected claims 1-7 and 11-20 under 35 U.S.C. § 102(b) as allegedly being anticipated by <u>Yamagishi et al.</u> (U.S. Patent No. 6,141,491); and rejected claims 8-10 under 35 U.S.C. § 103(a) as allegedly being unpatentable over <u>Yamagishi et al.</u> in view of <u>Nagata</u> (U.S. Patent No. 5,974,224).

By this Amendment, Applicant amends claims 1-4, 6, and 7. After entry of this Amendment, claims 1-20 will remain pending. Of these, claims 1-4, 6, and 7 are the independent claims.

Applicant respectfully traverses the rejections and submits that the pending claims are now in condition for allowance, for at least the reasons set forth below.

§ 101 Rejections of Claims 3 and 7

Claims 3 and 7 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Even though Applicant does not necessarily agree, in the interest of expediting prosecution of this application, Applicant has amended claims 3 and 7 to recite a, "non-transitory computer-readable storage medium," as suggested by the Examiner.

Accordingly, Applicant respectfully submits that claims 3 and 7 recite patent eligible subject matter, as required under 35 U.S.C. § 101, and requests that the rejections of claims 3 and 7 be withdrawn.

§ 102(b) Rejections of Claims 1-7 and 11-20 Based on Yamagishi et al.

Claims 1-7 and 11-20 stand rejected under 35 U.S.C. § 102(b) as allegedly being

anticipated by Yamagishi et al. The Office Action asserts that,

> "Yamagishi teaches during a playback operation the
> predetermined encoded method picture data (I picture data)
> of each group of picture are buffered starting with the picture
> data located at the end of playback order and then the I
> picture data of the next group of picture are buffered. It is
> clear that the picture data of an I picture or predetermined
> encoded picture of the group of picture except for the group
> of picture data that is played back last during the playback
> operation Figs. 3-9, column 13, 14, column 19-20)."

(Office Action, page 7.) Applicant respectfully disagrees with these rejections and

submits that the above-referenced language is not even consistent with all of

independent claims 1-4, 6, and 7, as previously presented. Accordingly, even if

Yamagishi et al. did disclose what the Examiner alleges it does, Yamagishi et al. does

not disclose each and every element of each of independent claims 1-4, 6, and 7, as

required for anticipation under 35 U.S.C. § 102(b).

Nevertheless, even though Applicant disagrees with the rejections of claims 1-7

and 11-20 based on Yamagishi et al., in the interest of expediting prosecution of this

application, Applicant has amended independent claims 1-4, 6, and 7 to better clarify

the claims.

Amended independent claim 1 now recites, an image playback apparatus control

unit configured for, among other things, "controlling the buffer unit, *concerning a group*

of picture data that is played back last during a playback operation, to buffer all of the

pictures in the group in a playback order, and, concerning groups of picture data except

for the group of picture data that is played back last during the playback operation, to

buffer fewer than all of the pictures in the groups, according to a predetermined encoding method." (Emphasis added).

Amended independent claim 2 recites an image playback method comprising, among other things, "controlling the buffer unit to, *concerning a group of picture data that is played back last during a playback operation, to buffer all of the pictures in the group in a playback order*, and, concerning groups of picture data except for the group of picture data that is played back last during the playback operation, to buffer fewer than all of the pictures in the groups, according to a predetermined encoding method." (Emphasis added).

Amended independent claim 3 recites a storage medium storing a program for, among other things, "controlling the buffer unit, *concerning a group of picture data that is played back last during a playback operation, to buffer all of the pictures in the group in a playback order*, and, concerning groups of picture data except for the group of picture data that is played back last during the playback operation, to buffer fewer than all of the pictures in the groups, according to a predetermined encoding method." (Emphasis added).

Yamagishi et al. discloses that, "[w]hen the reproduction system is in a jump reproduction mode, successive I frames are present. The decoding operation of video data in the MPEG video decoder is merely applied to video data of I frame." (Col. 13, lines 40-44.) Yamagishi et al. simply buffers and decodes only I frames, regardless of which group of data is being processed along a playback direction. Therefore, Applicant submits that Yamagishi et al. fails to teach or even suggest each and every

element of currently amended independent claims 1-3, and previously presented independent claims 4, 6, and 7.

Regarding independent claims 1-3, <u>Yamagishi et al.</u> fails to teach or even suggest, "controlling the buffer unit, *concerning a group of picture data that is played back last during a playback operation, to buffer all of the pictures in the group in a playback order*." (Emphasis added).

Regarding independent claims 4, 6, and 7, <u>Yamagishi et al.</u> fails to teach or even suggest, "controlling the buffer unit, *concerning a last group of picture data in a normal playback order, to buffer all of the picture data*, and, concerning groups of picture data except for the last group of picture data, to buffer part of the picture data including at least picture data classified into the I-pictures;

Accordingly, <u>Yamagishi et al.</u> fails to teach or suggest each and every element of independent claims 1-4, 6, and 7, as required for anticipation under 35 U.S.C. § 102(b). Applicant respectfully requests that the rejection of claims 1-4, 6, and 7 based on <u>Yamagishi et al.</u> be withdrawn.

Claims 5 and 11-20 depend either directly or indirectly from one of claims 1-4, 6, and 7, and are therefore allowable at least due to their dependence from claims 1-4, 6, and 7, and for their additional recitations of patentable subject matter. Accordingly, Applicant respectfully requests that the rejection of claims 5 and 11-20 be withdrawn.

§ 103(a) Rejections of Claims 8-10 Further Based on Nagata

Claims 8-10 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over <u>Yamagishi et al.</u> in view of <u>Nagata</u>.

The Examiner contends that <u>Nagata</u> discloses the features of claims 8-10, and asserts that it would have been obvious to one of ordinary skill in the art to modify the systems and methods of <u>Yamagishi et al.</u> based on the teachings of <u>Nagata</u>. (Office Action at 6-7.)

However, claims 8-10 depend directly from claims 4, 6, and 7, respectively, which are allowable over <u>Yamagishi et al.</u> for the reasons discussed above. <u>Nagata</u> fails to cure the deficiencies of <u>Yamagishi et al.</u> as described above with respect to claims 4, 6, and 7. Accordingly, claims 8-10 should be allowed.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Should it be necessary to resolve any additional concerns and expedite the issuance of a Notice of Allowance, the Examiner is invited to contact Applicant's undersigned representative at (202) 408-4000.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 27, 2010   By: _/Christopher K. Agrawal/_
                                        Christopher K. Agrawal
                                        Reg. No. 63,482
                                        (202) 408-4000